TEESDALE DISTRICT COUNCIL

LOCAL CODE OF CORPORATE GOVERNANCE

1. INTRODUCTION

- 1.1 Each local authority is required to have a Local Code of Corporate Governance. The Council's original code was developed in 2002. It was substantially improved and updated in line with then best practice in 2006 (approved by Council in August 2006). This updated code builds upon the 2006 code and has been restructured in accordance with the new corporate governance framework 'Delivering Good Governance in Local Government' which was published in 2007 by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) and assigned 'proper practice' under the Accounts and Audit (Amendment) (England) Regulations 2006.
- 1.2 Governance is about how local government bodies ensure that they do the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, culture and values, by which local government bodies are directed and controlled, and through which they account to, engage with and, where appropriate, lead their communities (CIPFA/SOLACE Framework, 2007).

2. PRINCIPLES OF CONDUCT

- 2.1 The new governance framework builds upon the principles of conduct in public life (Standards of Conduct in Public Life: Nolan, and others), now embodied within the revised (2007) Members' Code of Conduct and defined as:
 - Selflessness
 - Honesty and Integrity
 - Objectivity
 - Accountability
 - Openness
 - Personal Judgment
 - Respect for Others
 - Duty to uphold the Law
 - Stewardship
 - Leadership
- 2.2 Taken together, these principles are defined as follows:
 - Openness and inclusivity

Openness is required to ensure that stakeholders can have confidence in the decision-making and management processes of local authorities, and in the approach of the individuals within them. Being open through genuine consultation with stakeholders and providing access to full, accurate and clear information leads to effective and timely action and lends itself to necessary scrutiny. Openness also requires an **inclusive** approach, which seeks to ensure that all stakeholders and potential stakeholders have the opportunity to engage effectively with the decision-making processes and actions of local authorities. It requires an outward focus and a commitment to partnership working. It calls for innovative approaches to consultation and service provision.

• Integrity

Integrity comprises both straightforward dealing and completeness. It is based upon **honesty**, **selflessness** and **objectivity**, and high standards of propriety and probity in the stewardship of public funds and management of an authority's affairs. It is dependent on the effectiveness of the control framework and on the personal standards and professionalism of the members and staff within the authority. It is reflected in the authority's decision-making procedures, in its service delivery and in the quality of its financial and performance reporting.

• Accountability

Accountability is the process whereby local authorities, and the members and staff within them, are responsible for their decisions and actions, including their stewardship of public funds and all aspects of performance, and submit themselves to appropriate external scrutiny. It is achieved by all parties having a clear understanding of those responsibilities, and having clearly defined roles through a robust structure.

- 2.3 The concept of **Leadership** overarches these three principles. The principles described above can only be adhered to if leadership is exercised through:
 - the local authority providing vision for its community and leading by example in its decision-making and other processes and actions; and
 - members and officers conducting themselves in accordance with high standards of conduct.

3. KEY ROLES OF THE COUNCIL

- 3.1 A local authority has a number of different and varied roles. The new governance framework has grouped these into four key responsibilities, as follows:
 - To engage in effective partnerships and provide leadership for and with the community.
 - To ensure the delivery of high quality local services whether directly or in partnership or by commissioning.
 - To perform a stewardship role which protects the interests of local people and makes best use of resources.
 - To develop citizenship and local democracy.
- 3.2 The Council recognises the importance of these roles and the need to have in place an effective code of corporate governance in order to comply with its responsibilities.

4. CORE PRINCIPLES OF GOOD GOVERNANCE

- 4.1 The six principles of good governance, taken from 'The Good Governance Standard for Public Services (2004)' and adapted by CIPFA/SOLACE for local government purposes are as follows:
 - Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.
 - Members and officers working together to achieve a common purpose with clearly defined functions and roles.
 - Promoting values for the authority and demonstrating the values of good governance through upholding standards of conduct and behaviour.
 - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
 - Developing the capacity and capability of members and officers to be effective.
 - Engaging with local people and other stakeholders to ensure robust public accountability.
- 4.2 The Council will ensure that the core principles and key requirements are applied in the exercise of its functions and that its systems and processes are monitored against these principles and requirements to test their effectiveness in practice.

5. DELIVERING THE GOVERNANCE PRINCIPLES

5.1 Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

Supporting Principles	Specific Requirements
Exercising strategic leadership by developing and clearly communicating the Council's	Develop and promote the Council's purpose and vision.
purpose and vision and its intended outcome for citizens and service users.	Review on a regular basis the Council's vision for the local area and its implications for the Council's governance arrangements.
	Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners.
	Publish an annual report on a timely basis to communicate the Council's activities and achievements, its financial position and performance.
Ensuring that users receive a high quality of service, whether directly, or in partnership, or by commissioning.	Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available.
	Put in place effective arrangements to identify and deal with failure in service delivery.
Ensuring that the Council makes best use of resources and tax payers and service users receive excellent value for money.	Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively.
	Measure the environmental impact of policies, plans and decisions.

The Council will focus on carrying out its duties and responsibilities in a way that will promote its vision for the District. It will ensure that this vision is clearly communicated within the Council and to its stakeholders through the publication of:

- Sustainable Community Strategy
- Combined Corporate and Best Value Performance Plan
- Service Plans
- Performance Development Reviews

The Council will exercise strategic leadership by developing and communicating its vision for the community and the reasons for that vision. It will make clear the intended benefits to the community. It will also ensure that service users receive quality services, delivered effectively and efficiently.

5.2 Members and officers working together to achieve a common purpose with clearly defined functions and roles

Supporting Principles	Specific Requirements
Ensuring effective leadership throughout the Council and being clear about executive and non- executive functions and of the roles of the scrutiny function.	Set out a clear statement of the respective roles and responsibilities of the executive and of individual executive members and the Council's approach to putting this into practice.
	Set out a clear statement of the respective roles and responsibilities of other members, of members generally and of specific officers.
Ensuring that a constructive working relationship exists between members and officers and that their responsibilities are carried out to a high standard.	Determine a scheme of delegation and reserve powers within the Constitution, including a formal schedule of those matters specifically reserved for collective decision of the Council, taking account of relevant legislation, and ensure that this is monitored and updated where required.
	Make the Chief Executive responsible and accountable to the Council for all aspects of

	operational management.
	Develop a protocol to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained. Make a senior officer (Section 151 Officer) responsible to the Council for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
	Make a senior officer (Monitoring Officer) responsible to the Council for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
Ensuring relationships between the Council, its partners and the public are clear so that each knows what to expect of the other.	Develop protocols to ensure effective communication between members and officers in their respective roles. Set out the terms and conditions for members' and officers' remuneration and an effective structure for managing the process. Ensure that effective
	mechanisms exist to monitor service delivery.

The Council will develop and promote its purpose and vision encouraging individuals and groups from all sections of the community to engage with, contribute to and participate in the work of the Council. It will develop robust mechanisms to ensure that appropriate monitoring arrangements are in place. Priorities and targets will be established in consultation with local communities and other key stakeholders. The Council will review its policies and vision on a regular basis. There will be appropriate arrangements for effective implementation and review of agreed actions. The Council will carry out its duties and responsibilities having regard to its policies and strategies and in an open and accountable manner, through its regular Council and committee meetings and in line with a clearly stated scheme of delegation to officers.

The Council will ensure its policies are understood by its partners when delivering services. The Council will establish clear channels of communication with all sections of the community and other stakeholders and will ensure proper monitoring arrangements are in place. The Council aims to foster effective relationships with the public, private, community and voluntary sectors. This will be achieved using:

- Partnership Framework
- Community Engagement
- Local Strategic Partnership
- Parish and Neighbourhood Forum.

The Council will report annually on its activities, achievements, financial position and performance by publishing timely information in accordance with statutory requirements where applicable. It will make proper arrangements for the independent review of its financial and operating reporting processes. This will be achieved through:

- Medium Term Financial Plan and Strategy
- Asset Management Plan
- Combined Corporate and Best Value Performance Plan
- Statement of Accounts
- Annual External Audit Letter
- Annual Internal Audit Report
- Audit and Governance Committee Reports
- Overview and Scrutiny Committee Reports
- Inspectorate Reports
- Full Council

The Council will ensure quality of service for users by setting clear targets with plans for their achievement. Standards and targets will be set on a sustainable basis and these will be monitored and reported, including the use of key and local performance indicators.

Effective arrangements will be put in place to identify and deal with failures in service delivery. The Council will consult users of services on a regular basis and respond to poor performance identified from performance indicators. It will also react to any concerns raised through performance management processes or internal audit reports quickly and effectively. It will put in place arrangements for the effective implementation of agreed actions and request, and consider, appropriate reports from the Scrutiny Committee.

5.3 Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

Supporting Drinoiples	Specific Dequirements
Supporting Principles	Specific Requirements
Ensuring members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.	Ensure that the Council's leadership sets a tone for the organisation by creating a climate of openness, support and respect.
	Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols.
	Put in place arrangements to ensure that members and employees are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.
Ensuring that organisational values are put into practice and are effective.	Develop and maintain shared values including leadership values for both the organisation and employees reflecting public expectations, and communicate these to members, employees, the community and partners.
	Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor

their continuing effectiveness in practice.
Develop and maintain an effective Standards Committee.
Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Council.
In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

The Council will strive to ensure good working relationships between elected members and officers. It is acknowledged that both need to work together to achieve a common purpose with clearly defined functions and roles.

The Council will ensure effective leadership by clarifying the roles and responsibilities of members and officers and the scrutiny processes which apply to both. It will also promote a constructive working relationship between members and officers to ensure that the responsibilities of both are carried out to a high standard. It will also strive to ensure that relationships between the Council and its partners are clearly understood so that each knows what is expected from the other.

The Council will set out clear statements covering the respective roles and responsibilities of its members and officers through developing and maintaining a scheme of delegated powers. These are contained within the Council's Constitution which is regularly monitored and updated as required. Members and officers will be properly trained for their roles and have access to all relevant information, advice and resources to enable them to carry out their roles.

The Chief Executive, as Head of Paid Service, is the responsible and accountable officer for all aspects of operational management. The respective, and complementary, roles of the Leader and Chief Executive must be mutually negotiated, understood and maintained. The Council's Constitution also provides for the designation of two of its officers as the Monitoring Officer and the Chief Financial (Section 151) Officer. These officers shall be responsible for carrying out their respective statutory obligations and will work within the terms of the Constitution.

The Council has also developed protocols to support effective communication and working relationships between members and officers in their respective roles.

The Constitution sets out the terms and conditions for managing the remuneration of members. The Council will maintain, and support, an Independent Remuneration Panel, the role of which will be to consider and report to the Council its recommendations relating to an allowances scheme for members. The roles and responsibilities of officers, together with their terms of remuneration, are defined by their pay and conditions of employment, the job descriptions and person specifications attached to that employment and the ability to conduct personal development reviews. The Council also sets out the precise terms of reference for the Overview and Scrutiny function.

Members and officers will be provided with advice and guidance on their legal status and responsibility through quality legal advice and service provided by the Council's legal advisers and by the Monitoring Officer. They will also be given suitable training to allow them to perform their roles.

The Council is committed to establishing high standards of conduct and behaviour, both on the part of members and officers. It seeks to promote an open and honest culture with full accountability in accordance with equalities and diversity legislation.

The Council will lead by example in demonstrating high standards of conduct and effective governance and ensure that the Council's values are implemented and effective.

The Council's leadership sets a tone for the Council by creating a climate of openness, support and respect by:

- Ensuring that standards of conduct and personal behaviour are clearly defined for members and officers and are communicated through codes of conduct and protocols.
- Putting in place arrangements to ensure that members and officers are not influenced by prejudice, bias or

This is evidenced by:

- Members' and Officers' Codes of Conduct
- Anti Fraud and Corruption Policy
- Corporate Complaints Procedure
- Performance Management Framework
- Personal Development Reviews
- Confidential Reporting Policy
- Council Constitution
- Induction and Training

The values of the Council are implemented in the performance of its duties and through its day to day activities by the continued maintenance of an effective Standards Committee, using the Council's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Council, and agreeing a set of values against which decision making and actions can be judged in respect of partnerships.

5.4 Taking informed and transparent decisions which are subject to effective scrutiny

Supporting Principles	Specific Requirements
Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny.	Develop and maintain an effective scrutiny function which encourages effective challenge and enhances the Council's performance overall and that of any organisation for which it is responsible.
	Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.
	Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure

	that they continue to operate in practice.
	Develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee.
	Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.
Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.	Ensure that those making decisions whether for the Council or the partnership are provided with information that is fit for purpose, relevant, timely and gives clear explanations of technical issues and their implications.
	Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.
Ensuring that an effective risk management system is in place.	Ensure that risk management is embedded into the culture of the Council, with members and managers at all levels recognising that risk management is part of their jobs.
	Ensure that effective arrangements for whistle blowing are in place to which employees and all those contracting with or employed by the Council have access.
Using their legal powers to the full benefit of the citizens and communities in their area.	Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires

doctrine, but also strive to utilise their powers to the full benefit of their communities.
Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on Councils by public law.
Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into their procedures and decision making processes.

The Council is committed to making informed and transparent decisions on the basis of sound expert advice which are subject to effective scrutiny and which minimise the risk to the community and to the authority.

The Council will:

- Be open, honest and transparent in its decision making processes and act on the outcome of any constructive scrutiny
- Secure high quality information, advice and guidance to ensure that services are delivered effectively and are appropriate
- Ensure that effective risk management procedures are in place and are used in the decision making process
- Use the powers bestowed on the Council by law to their full potential for the benefit of their community.

This will be achieved by maintaining an effective scrutiny function which encourages constructive challenge and enhances the Council's overall performance. The Council will also develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based. It will also put in place arrangements to safeguard members and employees against conflicts of interest with appropriate processes to ensure that they continue to operate in practice. The following will evidence these arrangements:

- Overview and Scrutiny Committee
- Council and Committees
- Registers of Interests
- Codes of Conduct
- Monitoring Officer

In addition, the Council will develop and maintain an effective Audit and Governance Committee which is independent of the executive and scrutiny functions. Its terms of reference and responsibilities will be guided by the Accounts and Audit Regulations 2006, as amended.

The Council will ensure that effective, transparent and accessible arrangements are in place for dealing with complaints. This will be achieved by developing and maintaining an accessible corporate complaints procedure and by developing processes to respond to requests for information from, or complaints being investigated by, the Local Government Ombudsman, Standards Board for England or Information Commissioner.

Decision makers, whether the Council or its partners, will be provided with information which is relevant, timely and which gives clear explanations of technical issues and their implications. Proper professional advice on matters which have legal or financial implications will be available in advance of decision making and used appropriately in the decision making process.

Risk management is being embedded into the culture of the Council, with members and managers at all levels recognising that risk management is an integral part of their responsibilities. The responsibility for risk management is evidenced by:

- Job Descriptions
- Constitution
- Internal Audit
- Audit & Governance Committee
- Risk Management Group (Corporate Management Team plus member champions from Executive and Audit & Governance Committees)
- Risk Management Strategy
- Risk Registers (Corporate and Service)
- Assurance Statements

In the event that any employee has concerns about the actions of the Council, or any member or employee, there is in place a confidential whistle blowing policy which follows the guidance set out in the Public Interest Disclosure Act 1998. The Council recognises the limits of lawful activity and strives to use its powers for the full benefit of its community. It recognises the limits of lawful action and observes both the specific requirements of legislation and the general responsibilities placed on Councils by public law through integrating the key principles of good administrative law into Council procedures and decision making processes.

5.5 Developing the capacity and capability of members and officers to be effective

Supporting Principles	Specific Requirements
Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.	Provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis.
	Ensure that statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the Council.
Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group.	Assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively.
	Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.
	Ensure that effective arrangements are in place for reviewing the performance of the executive as a whole and of individual members and agreeing an action plan which might, for example, aim to address any training or development needs.
Encouraging new talent for membership of the Council so	Ensure that effective arrangements are in place

that best use can be made of individuals' skills and resources in balancing continuity and renewal.	individuals from all sections of the
	Ensure that career structures are in place for members and officers to encourage participation and development.

The Council encourages diversity within the authority and believes in developing a wide range of experience throughout the organisation. It is committed to implementing a comprehensive training and development programme to ensure that each member and officer reaches his or her full potential.

The Council will strive to ensure that members and officers will have the necessary skills, knowledge, experience and resources to perform their roles effectively and will evaluate the performance of officers with governance responsibilities, encouraging them to develop their capabilities.

The Council will ensure that statutory officers have the necessary skills, resources and support to perform their roles effectively and that their roles are properly understood throughout the Council.

The Council recognises that developing skills on a continuing basis will improve performance of members and officers, including the ability to scrutinise and challenge, and to recognise the value of outside expert advice when required.

5.6 Engaging with local people and other stakeholders to ensure robust public accountability

Supporting Principles	Specific Requirements
Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.	Make clear to themselves, all staff and the community to whom they are accountable and for what. Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of the relationships and any changes required.
	Produce an annual report on the

	activity of the scrutiny function.
Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning.	Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements ensuring that they operate effectively.
	Hold meetings in public unless there are good reasons for confidentiality.
	Ensure that arrangements are in place to enable the Council to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands.
	Establish a clear policy on the types of issues they will meaningfully consult on, or engage with the public and service users about, including a feedback mechanism for those consultees to demonstrate what has changed as a result.
	On an annual basis, publish a performance plan giving information on the Council's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period.
	Ensure that the Council as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its

	dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
Making best use of human resources by taking an active and	Develop and maintain a clear policy on how staff and their
planned approach to meet responsibilities to staff.	representatives are consulted and involved in decision making.

The Council engages with its community and stakeholders to help ensure that it is accountable to the people whom it serves. It seeks to develop a robust and challenging scrutiny process which encourages the participation of the local community, stakeholders and partners in order to develop constructive relationships which hold the Council to account. It also takes an active and planned approach to communication with the public and its accountability to them so as to achieve an appropriate and effective delivery of services.

The Council aims to communicate clearly with members, officers, the public and other stakeholders to ensure that all are aware of the need for accountability. It also has in place appropriate mechanisms for ensuring proper monitoring of its actions and decisions. These arrangements are evidenced by:

- Partnership Framework
- Communication and Engagement Strategy
- Local Strategic Partnership
- Constitution
- Overview and Scrutiny Annual Report

Meetings will be held in public unless there are good reasons to exclude the press and public. Minutes of meetings which have taken place will be freely available and accessible. The Council will seek to ensure that appropriate arrangements are in place to enable engagement with all sections of the community, recognising that different groups will have different priorities and will require different engagement processes.

The Council produces annual reports which outline its vision, strategic plans and financial statements, including its outcomes, achievements and the satisfaction of service users. These are contained within:

- Combined Corporate and Best Value Performance Plan
- Annual Statement of Accounts

The Council strives to ensure that it is open and accessible to the community, service users and its staff by making a commitment to openness and transparency in all of its dealings, subject to the need to maintain confidentiality where appropriate, through the Constitution and the Combined Corporate and Best Value Performance Plan.

6. ANNUAL REVIEW AND REPORTING

- 6.1 The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively. The adoption of, and compliance with, this Code of Corporate Governance will help to ensure that proper arrangements are in place to meet this responsibility.
- 6.2 To ensure continuing compliance with best practice as set out in the Governance Framework, the Council will review the Code on an annual basis to provide assurance that:
 - Governance arrangements are adequate and operating effectively in practice
 - Where reviews of governance arrangements have revealed gaps, action is planned which will ensure effective governance in future.
- 6.3 The Council will prepare an Annual Governance Statement for signature by the Council's senior officer and member (Chief Executive and Leader) which meets the requirements of the Accounts and Audit Regulations and which will be considered by the Council's Audit and Governance Committee prior to submission for approval by the Council, following which it will be published with the annual Statement of Accounts.

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